

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

)	
BIOVAIL LABORATORIES)	
INTERNATIONAL SRL,)	
)	
Plaintiff,)	
)	C.A. Nos. 05-586 (GMS)
v.)	05-730 (GMS)
)	06-620 (GMS)
)	
ANDRX PHARMACEUTICALS, LLC and)	CONSOLIDATED
ANDRX CORPORATION,)	
)	
Defendants.)	
)	

ORDER

WHEREAS, on December 14, 2006, Andrx Pharmaceutical's LLC ("Andrx") filed a letter (D.I. 114) apprising the court of a discovery dispute in the above-captioned case;

WHEREAS, the letter asserts that Biovail Laboratories International SRL ("Biovail") has refused to produce witnesses for deposition, and has delayed the case in general;

WHEREAS, the letter further asserts that a discovery conference that Judge Jordan ordered with respect to the issues was removed from the calendar, as a result of his appointment and confirmation to the United States Court of Appeals for the Third Circuit;

WHEREAS, Andrx requests the court to order the requested depositions to occur within the next 30 days, and to consider terminating the pending stay of Food and Drug Administration ("FDA") approval of its generic pharmaceutical;

WHEREAS, according to the Scheduling Order (D.I. 97), the deadline for fact discovery is January 15, 2007;

WHEREAS, Biovail has not filed a responsive letter;

WHEREAS, after having considered Andrx's letter, the court will order Biovail to produce the named witnesses for deposition prior to the close of fact discovery on January 15, 2007; and

WHEREAS, the court further concludes that it will not consider terminating the pending stay of FDA approval at this point in the litigation, because it is not familiar with the parties or the case, and has heard only from Andrx on the termination issue;

IT IS HEREBY ORDERED that:

1. Biovail shall produce Kenneth Albert, Paul Maes, Edith Mathiowitz, and Robin Teskin for deposition prior to the close of fact discovery on January 15, 2007.
2. Andrx's request for termination of the pending stay of FDA approval is DENIED without prejudice.

Dated: December 21, 2006

/s/ Gregory M. Sleet
UNITED STATES DISTRICT JUDGE